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| 10/664,674      | 09/18/2003  | Robert H. Kummer JR. | F-723               | 4064             |

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| EXAMINER |
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LIU, ERIC

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| ART UNIT | PAPER NUMBER |
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3628

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
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| 3 MONTHS                               | 12/22/2006 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/664,674

Applicant(s)

KUMMER ET AL.

Examiner

Eric Liou

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/18/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claim 12 is objected to because of the following informalities: grammatical error. The term “and” should be replaced with “an” in line 4. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 2-5, 9-10, 12, and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 2 recites the phrase “a postage rate” in line 2. It is unclear whether “a postage rate” is the same rate as “a postage rate” stated in claim 1, line 5. The Examiner is taking “a postage rate” in claims 1 and 2 to be the same postage rate.

5. Claim 5 recites the phrase “a class of service” in line 2. It is unclear whether “a class of service” is the same class of service as the “one or more classes of service” stated in claim 1, lines 4-5. The Examiner is taking “a class of service” (claim 5) to be the same as the “one or more classes of service” stated in claim 1, lines 4-5.

6. Claim 9 recites the phrase “a postage rate” in line 2. It is unclear whether “a postage rate” is the same rate as “a postage rate” stated in claim 8, line 13. The Examiner is taking “a postage rate” in claims 9 and 13 to be the same postage rate.

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7. Claim 12 recites the phrase “a class of service” in line 2. It is unclear whether “a class of service” is the same class of service as the “one or more classes of service” stated in claim 8, lines 12-13. The Examiner is taking “a class of service” (claim 12) to be the same as the “one or more classes of service” stated in claim 8, lines 12-13.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barns-Slavin et al., U.S. Patent No. 5,072,397 in view of Raju et al., U.S. Publication No. 2003/0037008.

10. As per claim 1, Barns-Slavin teaches a method for processing one or more mail pieces comprising; searching stored information including one or more rate tables for one or more classes of service having a postage rate that matches said postage amount (Barns-Slavin: column 2, lines 54-61); displaying said one or more classes of service to said user (Barns-Slavin: column 5, lines 8-9); receiving a selected class of service, said selected class of service being selected by said user (Barns-Slavin: column 4, line 68); applying said postage amount to said one or more mail pieces (Barns-Slavin: column 3, lines 5-10); and storing transaction information for each of said one or more mail pieces, said transaction information including said postage amount and said selected class of service (Barns-Slavin: column 3, lines 9-10). Barns-Slavin teaches a database memory that stores rate and class or service information for which a carrier

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management system uses to determine cost data (Barns-Slavin: column 2, lines 58-63). Barns-Slavin further teaches a displayed menu that permits an operator to select the desired class or service (Barns-Slavin: column 5, lines 8-9). Barns-Slavin further teaches a user selects a class of service via a keyboard (Barns-Slavin: column 5, lines 1-6) and the system prints a label for the shipping of the parcel (Barns-Slavin: column 3, lines 6-9). Barns-Slavin further teaches the system may include internal registers for accounting for the shipping of parcels (Barns-Slavin: column 3, lines 9-10). The Examiner interprets the internal registers of the system to store transaction information including the postage amount and said selected class of service for mail.

11. Barns-Slavin does not teach receiving a postage amount entered by a user.

12. Raju teaches receiving a postage amount entered by a user (Raju: paragraph 80). Raju teaches the user inputs a desired amount of postage to be printed on labels (Raju: paragraph 80, lines 7-11).

13. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Barns-Slavin to have included receiving a postage amount entered by a user as taught by Raju for the advantage of providing a custom option that would recognize a user-specified input (Raju: paragraph 83, lines 1-4).

14. As per claim 2, Barns-Slavin in view of Raju teaches the method of claim 1 as described above. Barns-Slavin further teaches one or more classes of service having a postage rate that matches said postage amount each have a weight that corresponds to said postage amount (Barns-Slavin: Figure 4), said transaction information further including said weight for said selected class of service (Barns-Slavin: column 3, lines 9-10). Barns-Slavin teaches a display of the carrier management system that indicates the weight that corresponds to a postage amount

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(Barns-Slavin: Figure 4). The Examiner interprets weight information be part of account information, which is stored on the internal registers as taught by Barns-Slavin (column 3, lines 9-10).

15. As per claim 3, Barns-Slavin in view of Raju teaches the method of claim 2 as described above. Barns-Slavin further teaches displaying step further comprising displaying each of said weights along with said one or more classes of service (Barns-Slavin: column 5: lines 8-21). Barns-Slavin teaches displaying class of service information and the weight of the parcel (Barns-Slavin: column 5, lines 8-18).

16. As per claim 4, Barns-Slavin in view of Raju teaches the method of claim 2 as described above. Barns-Slavin further teaches the selected class of service and said weight for said selected class of service are applied to said one or more mail pieces (Barns-Slavin: column 3, lines 5-9). Barns-Slavin teaches printing a label related to the shipping of the parcel (Barns-Slavin: column 3, lines 5-9). The Examiner notes, it is known in the postal art that printed shipping labels are applied to mail pieces.

17. As per claim 5, Barns-Slavin in view of Raju teaches the method of claim 1 as described above. Barns-Slavin further teaches prompting said user to indicate a desire to have a class of service associated with said postage amount, and proceeding to said searching step only if said user provides an indication of said desire (Barns-Slavin: Figure 5, "502"). Barns-Slavin teaches a user selects a class of service (Barns-Slavin: Figure 5). The Examiner notes, the user selects the class of service after entering a password and selecting a carrier into the carrier management system (Barns-Slavin: Figure 5). Therefore, the Examiner interprets the step of searching rate

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table and class of service information to occur after indicating the desire or selecting a class of service.

18. As per claim 6, Barns-Slavin in view of Raju teaches the method of claim 1 as described above. Barns-Slavin further teaches the said selected class of service is applied to said one or more mail pieces (Barns-Slavin: column 3, lines 5-10). Barns-Slavin teaches a label is printed for the shipping of a parcel (Barns-Slavin: column 3, lines 7-10). The Examiner interprets a parcel to be the same as a mail piece.

19. As per claim 7, Barns-Slavin in view of Raju teaches the method of claim 1 as described above. Raju further teaches one or more mail pieces comprising a batch of mail pieces (Raju: Figure 13). Raju teaches a user creates a page containing stamps of different postage values and classes of service (Raju: Figure 13). The Examiner notes, the set of stamps taught by Raju can be applied to a batch of mail pieces.

20. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Barns-Slavin to have included one or more mail pieces comprising a batch of mail pieces as taught by Raju for the advantage of saving time when printing a set of stamps of different postage values and classes of service (Raju: paragraph 4, lines 9-13).

21. As per claim 8, Barns-Slavin teaches a mail processing system, comprising: a metering/printing module for applying postage values to one or more mail pieces (Barns-Slavin: Figure 2, "24" and "28"); a display (Barns-Slavin: Figure 2, "15"); a central processing unit controlling operation of said metering/printing module and said display (Barns-Slavin: Figure 2, "20"); and a memory storing information including one or more rate tables and software

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executable by said central processing unit (Barns-Slavin: Figure 2, "21" and "22"), said software including instructions for: (b) searching said information for one or more classes of service having a postage rate that matches said postage amount (Barns-Slavin: column 2, lines 54-61); (c) displaying said one or more classes of service on said display (Barns-Slavin: column 5, lines 8-9); (d) receiving a selected class of service, said selected class of service being chosen by said user (Barns-Slavin: column 4, line 68); (e) causing said metering/printing module to apply said postage amount to one of said one or more mail pieces or a tape to be applied to said one or more mail pieces (Barns-Slavin: column 3, lines 5-10); and (f) storing transaction information for each of said one or more mail pieces, said transaction information including said postage amount and said selected class of service (Barns-Slavin: column 3, lines 9-10). Barns-Slavin teaches a database memory (Figure 2, "22") that stores rate and class of service information for which a carrier management system uses to determine cost data (Barns-Slavin: column 2, lines 58-63). Barns-Slavin further teaches a program memory (Figure 2, "21") that contains instructions for operating the system (Barns-Slavin: column 2, lines 57-58). Barns-Slavin teaches a displayed menu that permits an operator to select the desired class or service (Barns-Slavin: column 5, lines 8-9). Barns-Slavin further teaches a user selects a class of service via a keyboard (Barns-Slavin: column 5, lines 1-6) and the system prints a label for the shipping of the parcel (Barns-Slavin: column 3, lines 6-9). Barns-Slavin further teaches the system may include internal registers for accounting for the shipping of parcels (Barns-Slavin: column 3, lines 9-10). The Examiner interprets the internal registers of the system to store transaction information including the postage amount and said selected class of service for mail.



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22. Barns-Slavin does not teach (a) software for receiving a postage amount entered by a user.

23. Raju teaches software for receiving a postage amount entered by a user (Raju: paragraph 80). Raju teaches a system that allows users to input a desired amount of postage to be printed on a label (Raju: paragraph 80, lines 7-11).

24. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Barns-Slavin to have included software for receiving a postage amount entered by a user as taught by Raju for the advantage of providing a custom option that would recognize a user-specified input (Raju: paragraph 83, lines 1-4).

25. As per claim 9, Barns-Slavin in view of Raju teaches the mail processing system of claim 8 as described above. Barns-Slavin further teaches one or more classes of service having a postage rate that matches said postage amount each have a weight that corresponds to said postage amount (Barns-Slavin: Figure 4), said transaction information further including said weight for said selected class of service (Barns-Slavin: column 3, lines 9-10). Barns-Slavin teaches a display of the carrier management system that indicates the weight that corresponds to a postage amount (Barns-Slavin: Figure 4). The Examiner interprets weight information be part of account information, which is stored on the internal registers as taught by Barns-Slavin (column 3, lines 9-10).

As per claim 10, Barns-Slavin in view of Raju teaches the mail processing system of claim 9 as described above. Barns-Slavin further teaches instructions for displaying each of said weights along with said one or more classes of service (Barns-Slavin: column 5: lines 8-21). Barns-

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Slavin teaches displaying class of service information and the weight of the parcel (Barns-Slavin: column 5, lines 8-18).

26. As per claim 11, Barns-Slavin in view of Raju teaches the mail processing system according to claim 8. Raju further teaches one or more mail pieces comprising a batch of mail pieces (Raju: Figure 13). Raju teaches a user creates a page containing stamps of different postage values and classes of service (Raju: Figure 13). The Examiner notes, the set of stamps taught by Raju can be applied to a batch of mail pieces.

27. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Barns-Slavin to have included one or more mail pieces comprising a batch of mail pieces as taught by Raju for the advantage of saving time when printing a set of stamps of different postage values and classes of service (Raju: paragraph 4, lines 9-13).

28. As per claim 12, Barns-Slavin in view of Raju teaches the mail processing system of claim 8 as described above. Barns-Slavin further teaches including instructions for prompting said user to indicate a desire to have a class of service associated with said postage amount, said central processing unit executing instructions (b) through (f) only if said user provides an indication of said desire (Barns-Slavin: Figure 5, "502"). Barns-Slavin teaches a user selects a class of service (Barns-Slavin: Figure 5). The Examiner notes, the user selects the class of service after entering a password and selecting a carrier into the carrier management system (Barns-Slavin: Figure 5). Therefore, the Examiner interprets the step of searching rate table and class of service information to occur after indicating the desire or selecting a class of service.

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29. As per claim 13, Barns-Slavin in view of Raju teaches the mail processing system of claim 8 as described above. Barns-Slavin in view of Raju further teaches an input device for enabling said user to enter said postage amount (Raju: Abstract) and choose said selected class of service (Barns-Slavin: column 5, lines 1-9). Barns-Slavin teaches selecting a class of service using a keyboard (Barns-Slavin: column 5, lines 1-9). Raju teaches entering a postage amount via a computer (Raju: paragraph 80, lines 7-11 and paragraph 8, lines 1-5)

30. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Barns-Slavin to have included an input device for enabling a user to enter a postage amount as taught by Raju for the advantage of providing a custom option that would recognize a user-specified input (Raju: paragraph 83, lines 1-4).

31. As per claim 14, Barns-Slavin in view of Raju teaches the mail processing system of claim 8 as described above. Barns-Slavin further teaches instructions for causing said metering/printing module to apply said selected class of service to one of said one or more mail pieces (Barns-Slavin: column 3, lines 5-10). Barns-Slavin teaches a label is printed for the shipping of a parcel (Barns-Slavin: column 3, lines 7-10). Barns-Slavin further teaches the carrier management system may be connected to a printer or an USPS meter (Barns-Slavin: column 2, lines 66-68 and column 3, lines 1-4).

32. As per claim 15, Barns-Slavin in view of Raju teaches the mail processing system of claim 9 as described above. Barns-Slavin further teaches instructions for causing said metering/printing module to apply said selected class of service and said weight for said selected class of service to one of said one or more mail pieces (Barns-Slavin: column 3, lines 5-9 and

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Figure 4). Barns-Slavin teaches printing a label related to the shipping of the parcel (Barns-Slavin: column 3, lines 5-9). The Examiner notes, it is known in the postal art that printed shipping labels are applied to mail pieces.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Liou whose telephone number is 571-270-1359. The examiner can normally be reached on Monday - Thursday, 7:30-5:00 and Friday 7:30-4:00 (first Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Nolan can be reached on 571-272-0847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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12/19/06